

REMARKS/ARGUMENTS

Claims 1, 5-7, 23, 31, 33-37 and 39-45 were previously pending in the application. Claims 1, 23 and 41 are amended herein. Claims 5-7, 31, 33-37, 39-40, and 42-45 are cancelled. Assuming the entry of this amendment, claims 1, 23 and 41 are now pending in the application. Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1, 23 and 41

On page 3, the Examiner rejected claims 1, and 6-7 under 35 U.S.C. 103(a) as being unpatentable over Inagami (US 4,884,294) in view of Briffert et al. (U.S. Patent No. 6,154,665, hereinafter “Briffert”). On page 9, the Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Inagami in view of Briffert and Tozawa et al. (US 5,198,800, hereinafter “Tozawa”). On page 12, the Examiner rejected claims 23 and 39-41 under 35 U.S.C. 103(a) as being unpatentable over Inagami in view of Briffert and Dennerlein et al. (US 5,117,504, hereinafter “Dennerlein”).

Claim 1 has been amended to include similar features as claim 23 and cancelled claims 5-7. As amended, claim 1 recites:

a page adjusting mechanism to **affect a characteristic of a page alerting signal** output from the alerting mechanism **based on a signal delay measurement**,
wherein the measured signal delay is related to a distance between the base unit and the handset, and
wherein the **characteristic of the page alerting signal is at least one of a duration of the page alerting signal, a volume of the page alerting signal, and a tonal quality of the page alerting signal.**
[emphasis added].

Thus, claim 1 is directed to adjusting a page alerting signal based upon a signal delay related to the distance between the base unit and the handset. Consequently, for example, the location of the handset from the base unit might be determined by a measured delay of the page alerting signal. However, Inagami does not teach or suggest affecting a characteristic of the page alerting signal based upon a measured signal delay between the base unit and the handset, as recited in claim 1.

Inagami describes a paging function that affects two levels of volume, namely based upon whether a person is talking into the cordless phone handset or not talking into the cordless phone handset when the handset is being paged. (Inagami, col. 5, lines 55-57 and col. 5, line 67 – col. 6, line 3). When a person is talking into the cordless phone handset, the sound generated is low, because the person using the cordless phone is near the cordless phone handset. Congruently, when a person is not talking into the cordless phone handset, the sound generated is high, because a person may not be near to the cordless phone handset. Thus, Inagami at best discloses adjusting a page alerting signal level based upon an predicted distance between the cordless handset and a person. Therefore, Inagami fails to disclose or suggest a feature of claim 1, such as adjusting a page alerting signal level based upon a signal delay related to the distance between the base unit and the handset.

Briffert generally describes detecting the proximity of a cellular telephone to a belt clip assembly that is attachable to the cellular phone. See Briffert, Col. 3, lines 5-25. The belt clip assembly includes a UHF transceiver for communicating signals with a corresponding UHF transceiver included in the cellular telephone. Col. 3, lines 36-55. A first manner of proximity detection involves electrical signals sent between physical contacts of the telephone and the belt clip. Col. 4, lines 1-7 and 26-30. A second manner of proximity detection involves the belt clip assembly detecting signals sent from the cellular phone. Col. 4, line 40 – Col. 5, line 10. A third manner of proximity detection involves the cellular phone detecting signals sent from the belt clip assembly. Col. 5, lines 26-57. When one of the cellular phone or the belt clip assembly are out of communication with the other of the cellular phone or belt clip assembly, an out-of-range alarm is sounded on at least one of the cellular phone and the belt clip assembly. As the Examiner points out on page 4 of the Office Action, Briffert describes that the proximity might be detected by monitoring a value or trend of the received signal strength. Col. 6, lines 7-17 and Col. 7, lines 1-36. Thus, Briffert does, indeed, measure a received signal quality between a cordless telephone handset and the belt clip assembly. However, Briffert does not measure a delay of a signal between the telephone and the belt clip assembly. Thus, Briffert fails to disclose or suggest a feature of claim 1, such as adjusting a page alerting signal level based upon a signal delay related to the distance between the base unit and the handset.

Tozawa describes an alarm that alerts a worker close to a machine whether they are very close (alarm intermittence short), near (alarm intermittence long), or far (no alarm). However, Tozawa does not describe affecting a characteristic of the alerting signal based upon a measured signal delay between a base unit and a handset. Consequently, Tozawa fails to disclose or suggest a feature of claim 1, such as adjusting a page alerting signal level based upon a signal delay related to the distance between the base unit and the handset.

Dennerlein describes signal delay measurements related to distance in a wireless environment, but does not describe using an alerting signal to locate a mobile radio. Further, Dennerlein does not describe altering at least one characteristic of an alerting signal based on the signal delay measurements. Consequently, Dennerlein fails to disclose or suggest a feature of claim 1, such as adjusting a page alerting signal level based upon a signal delay related to the distance between the base unit and the handset.

“[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007). Further, the recognition by the Applicant of a problem in the prior art cannot be used against the Applicant to support a conclusion of obviousness. See, e.g., *In re Dow Chemical Co.*, 837 F.2d 469, 472, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988). If the prior art does not contain even a suggestion of the specific modifications that are needed to be made to the teachings of the prior art to yield the claimed invention, then a rejection on the grounds of obviousness based solely on the advantages provided by that claimed invention is an improper use of hindsight. See, e.g., *In re Fritch*, 972, F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) (“[I]t is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious . . . This court has previously stated that ‘[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.’”); *Texas Instruments Inc. v. U.S. Int’l Trade Comm’n*, 988 F.2d 1165, 1178, 26 USPQ2d 1018, 1029 (Fed. Cir. 1993).

Therefore, none of the cited references, whether taken alone or in combination, disclose or suggest all of the features of Applicant’s claim 1. Thus, for at least the reasons set forth above, Applicant submits that claim 1 is allowable over the cited prior art. Although not identical to claim 1, claim 23

includes similar features as claim 1, for example, "affecting a characteristic of the alerting signal based on ... [a] measured signal delay related to a distance between the base unit and the handset ... wherein the characteristic of the alerting signal is at least one of a duration of the alerting signal, a volume of the alerting signal, and a tonal quality of the alerting signal." Claim 41 includes all the features of claim 23, from which it depends. Thus, Applicant submits that claims 23 and 41 are allowable for at least the reasons set forth above regarding claim 1.

Further, none of the references cited by the Examiner in regard to now-cancelled claims, whether taken alone or in combination, compensate for the deficiencies of the references described above. For example, on page 15, the Examiner rejected claims 31 and 34-37 under 35 U.S.C. 103(a) as being unpatentable over Ohayon (US 5,952,918, hereinafter "Ohayon") in view of Briffert. On page 19, the Examiner rejected claim 33 as being unpatentable over Ohayon in view of Briffert and Benvenuti (U.S. 6,166,653, hereinafter "Benvenuti"). On page 21, the Examiner rejected claims 42-45 as being unpatentable over Inagami in view of Briffert and Alvarez et al. (US 5,805,667, hereinafter "Alvarez").

Ohayon describes producing a sound or light from a remote unit when a recovery button is pressed. Ohayon only describes pressing a button at a base unit to produce a indication at the remote unit, and does not give any other indication useful as a fine distance estimate for locating the unit, especially when the unit is located far away. However, Ohayon fails to disclose or suggest a feature of claim 1, such as adjusting a page alerting signal level based upon a signal delay related to the distance between the base unit and the handset.

Benvenuti describes varying duration and tonal quality of a signal, but does not describe using an alerting signal to locate a unit. Consequently, Benvenuti fails to disclose or suggest a feature of claim 1, such as adjusting a page alerting signal level based upon a signal delay related to the distance between the base unit and the handset.

Alvarez describes an apparatus for range testing of cordless communications devices, and more specifically describes simulating increasing distance between cordless communications devices by increasing signal attenuation in the test apparatus. However, Alvarez fails to disclose or suggest a feature of claim 1, such as adjusting a page alerting signal level based upon a signal delay related to the distance between the base unit and the handset.

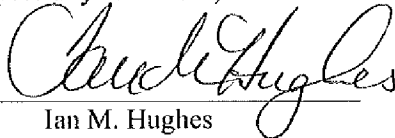
Thus, as described above, none of the cited references, whether taken alone or in combination, describe features of Applicant's claims such as, for example, "affecting a characteristic of the alerting signal based on ... [a] measured signal delay related to a distance between the base unit and the handset ... wherein the characteristic of the alerting signal is at least one of a duration of the alerting signal, a volume of the alerting signal, and a tonal quality of the alerting signal." Thus, none of the cited references disclose or suggest all of the features of Applicant's claims.

In view of the above amendments and remarks, Applicant believes that the now-pending claims are in condition for allowance. Therefore, Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

In the event that the Examiner believes that this amendment does not place the application in condition for allowance, Applicant requests a telephonic interview between the Examiner and Applicant's attorney Ian M. Hughes to discuss this amendment. Applicant requests that the Examiner call Mr. Hughes (610.640.9351) to arrange a convenient time for such an interview.

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Respectfully submitted,



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